REMARKS / ARGUMENTS

Status of Claims

Claims 1-8, 17-24, and 33-40 are pending in the application. Claims 1-8, 17-24, and 33-40 stand rejected. Applicants have amended claims 1, 17, and 33, leaving claims 1-8, 17-24, and 33-40 for consideration upon entry of the present Amendment.

Applicants respectfully submit that the rejections under 35 U.S.C. §103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §103(a)

Claims 1-5, 8, 17-21, 24, 33-37, and 40 stand rejected under 35 U.S.C. §103(a) as being "unpatentable over Pestoni in view of Akishita further in view of Sims".

Applicants traverse this rejection for the following reasons.

Applicants respectfully submit that the obviousness rejection based on Pestoni, Akishita and Sims is improper as Pestoni, Akishita and Sims fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

The Examiner acknowledges that Pestoni and Sims are deficient in anticipating the claimed invention, and looks to Akishita in an attempt to cure these deficiencies. Specifically, the Examiner alleges that Pestoni does not teach dividing the multimedia content on the physical media into multiple parts, each part being encrypted with a different encryption key. Applicants agree with the Examiner that Pestoni is devoid of this teaching. The Examiner further alleges that neither Pestoni nor Akishita teach randomly selecting content keys corresponding to each part of the multimedia content.

Applicants agree with the Examiner that Pestoni and Akishita are devoid of such teachings. The Examiner then alleges that Sims teaches a method for randomly selecting content keys corresponding to each part of the multimedia content.

Even if the teachings of Pestoni, Akishita and Sims are combined, the resulting combination does not meet Applicants' claimed invention. Amended claims 1, 17, and 33 now recite, *inter alia*, "wherein a subset of the encrypted corresponding content keys are embedded on the physical media, and wherein at least one of the encrypted corresponding content keys not in the subset are distributed using a web service provider and are not embedded on the physical media". These limitations are discussed throughout Applicants' specification, for example, in FIG. 5A and paragraphs [0065] through [0068]. No new matter has been added.

The Pestoni reference includes slides from a live viewgraph presentation that describes the use of media key blocks to provide content protection for recordable media. The reference teaches the use of a media key block that contains multiple ciphers of the same media key under different device keys. Page 9 of Pestoni explicitly states that Media Key Blocks are recorded on the media. However, Pestoni fails to teach or suggest Applicants' claimed limitations "wherein a subset of the encrypted corresponding content keys are embedded on the physical media, and wherein at least one of the encrypted corresponding content keys not in the subset are distributed using a web service provider and are not embedded on the physical media".

Akishita describes encrypting multiple sectors of a DVD with multiple content keys. Refer, for example, to paragraph [0489] and FIG. 27 of Akishita. However, Akishita fails to teach or suggest Applicants' claimed limitations "wherein a subset of the encrypted corresponding content keys are embedded on the physical media, and wherein at least one of the encrypted corresponding content keys not in the subset are distributed using a web service provider and are not embedded on the physical media.

Sims describes a method for randomly selecting content keys. With reference to paragraph [0088] of Sims, if information from an external source required in order to

utilize the content of a medium, then the content key can be selected at random. However, Sims fails to teach or suggest Applicants' claimed limitation "wherein a subset of the encrypted corresponding content keys are embedded on the physical media, and wherein at least one of the encrypted corresponding content keys not in the subset are distributed using a web service provider and are not embedded on the physical media".

In view of the foregoing considerations, independent claims 1, 17, and 33 are patentable over Pestoni, Akishita, and Sims. It is further submitted that claims 1, 17, and 33 are allowable over the prior art of record. Dependent claims inherit all of the limitations of the respective parent claim and any intervening claim. Claims 2-5 and 8 depend from claim 1 and inherit all limitations thereof. Claims 18-21 and 24 depend from claim 17 and inherit all limitations thereof. Claims 34-37 and 40 depend from claim 33 and inherit all limitations thereof. Accordingly, claims 2-5, 8, 18-21, 24, 34-37 and 40 are allowable because these claims depend from an allowable base claim.

Claims 6-7, 22-23, and 38-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pestoni, Akishita and Sims as applied to claim 1-5, and further in view of Husemann (US 20050100161). Applicants traverse this rejection for the following reasons. Dependent claims inherit all of the limitations of the respective parent claim and any intervening claim. Claims 6-7 depend from claim 1 and inherit all limitations thereof. Claims 22-23 depend from claim 17 and inherit all limitations thereof. Claims 38-39 depend from claim 33 and inherit all limitations thereof. Accordingly, claims 6-7, 22-23, and 38-39 are allowable because these claims depend from an allowable base claim.

In view of the foregoing, Applicants submit that Pestoni, Sims, Akishita, and Huseman (hereinafter referred to as "the References") fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicants have done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in

combining the References to perform as the claimed invention performs, fail to teach a modification to prior art that does not render the prior art being modified unsatisfactory for its intended purpose, and disclose a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which rejections Applicants consider to be traversed. Applicants respectfully submit that the application is now in condition for allowance. Such action is therefore respectfully requested.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 09-0441

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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